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November 22, 2019

**ExParte  
VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: *Transforming the 2.5 GHz Band*, WT Docket No. 18-120**

Dear Ms. Dortch:

Hawaiian Homelands Commission (“HHL”) supports the Federal Communications Commission (“FCC”) establishing a Tribal Priority Filing Window (“Window”) in the *Transforming the 2.5 GHz Band Proceeding*. HHL believes that the FCC’s stated goal in creating the Window, “to enable Tribal nations an opportunity to obtain 2.5 GHz licenses to provide [internet] service on rural Tribal lands,”<sup>i</sup> is an important and necessary step in closing the digital divide that still affects indigenous peoples and rural communities across the United States.

However, the eligibility rules as currently written leave Native Hawaiians out of this important opportunity to obtain a spectrum license. The rules released in the July 11, 2019 *Report & Order* require an eligible party to be a (1) federally recognized tribe, an (2) Alaska Native Village, or an (3) entity owned and controlled by a federally recognized tribe or Alaska Native Village.<sup>ii</sup> Native Hawaiians do not fall under those categories as we are neither a federally recognized tribe or an Alaska Native Village. While Hawaiian Homelands qualify under the rules as areas where an applicant can claim an available license,<sup>iii</sup> there is no Hawaiian ‘tribe’ or ‘village’ to claim such a license.

HHL believes that application of this eligibility rule would not serve the underlying purpose of the Tribal Priority Filing Window and frustrate the FCC’s goal “to provide Tribal

Nations with an opportunity to... address the communications needs of their communities.”<sup>iv</sup>

We encourage the FCC to revise the eligibility rule in collaboration with Native Hawaiians to ensure that they are not mistakenly left out of opportunities like this one. Reaching out to Native Hawaiians to find a solution to this eligibility oversight affirms the FCC’s long-standing policy of including Native Hawaiians in consultation efforts and supports the Commission’s public interest goal to close the digital divide in our country.

Thank you for your attention to this correspondence. Please do not hesitate to contact my office or Burt Lum - Broadband Strategy Officer at [burt.g.lum@hawaii.gov](mailto:burt.g.lum@hawaii.gov) if you have any questions or if we can be of assistance in this matter.

Aloha,



William J. Aila Jr., Chairman  
Hawaiian Homes Commission

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<sup>i</sup> See *Transforming the 2.5 GHz Band*, Report and Order, 34 FCC Rcd 5446(7), para. 13 (2019).

<sup>ii</sup> *Id.*, para. 49-50.

<sup>iii</sup> *Id.*, para. 51; 47 C.F.R. § 54.400(e).

<sup>iv</sup> *Id.*, para. 47.